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Attorneys for Defendants Cigna Corporation and Life Insurance Company of North America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEFAN TUROS,

Plaintiff,

v.

CIGNA GROUP INSURANCE AND LIFE
INSURANCE COMPANY OF NORTH
AMERICA,

Defendants.

Civil Action No.:

NOTICE OF REMOVAL

Defendants Cigna Corporation (improperly pled as “Cigna Group Insurance”)¹ and Life Insurance Company of North America (“LINA”), through their counsel, Saul Ewing Arnstein & Lehr LLP, hereby file this Notice of Removal pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §1441. *et seq.* The grounds for removal are as follows:

¹ This filing by Cigna Corporation does not constitute an admission that it is a proper defendant in this action.

1. Plaintiff Stefan Turos (“Plaintiff”) commenced this action against Defendants by filing a Complaint on or about April 11, 2018. This matter is captioned *Turos v. Cigna Group Insurance and Life Insurance Company of North America*, Docket No.: OCN-L-892-18. A true and correct copy of the Complaint is attached as Exhibit A.

2. LINA received the Complaint on August 10, 2018.

3. No other process or pleading has been filed in this action as of the date of the filing of this Notice of Removal.

4. Neither Cigna Corporation nor LINA have yet filed a responsive pleading to Plaintiff’s Complaint.

5. Cigna Corporation and LINA are filing this Notice within thirty days after “receipt” of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based as allowed by 28 U.S.C. § 1446(b).

6. Pursuant to 28 U.S.C. § 1331, this Court has “original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

7. Any civil action filed in a state court, over which a federal district court would have original jurisdiction, shall be removable by a defendant to the district court of the United States for the district and division where the action is pending. 28 U.S.C. § 1441(a).

8. Plaintiff’s Complaint arises under the Employee Retirement Income Security Act, as amended (“ERISA”), 29 U.S.C. § 1001 *et seq.*, a law of the United States. This Court has exclusive jurisdiction over actions arising under ERISA. 29 U.S.C. § 1132(e)(1).

9. Plaintiff alleges that he is entitled to long-term “disability insurance benefits” pursuant to a “policy” providing such benefits obtained by his “employer,” and for which Defendants have denied his claims on multiple occasions. *See* Exhibit A at ¶ 1. Plaintiff repeats

that claim and further alleges he is entitled to “unpaid disability benefits as defined by the term of the respective Policies.” *Id.* at ¶ 3.

10. Because Plaintiff’s allegations fall within the purview of ERISA, this civil action is properly removed to this Court pursuant to 28 U.S.C. § 1441(a) and 29 U.S.C. § 1132(e)(1).

11. A true copy of this Notice of Removal will be provided to Plaintiff pursuant to 28 U.S.C. § 1446.

12. Pursuant to 28 U.S.C. § 1446(d), a true copy of this Notice of Removal will be filed with the Superior Court of New Jersey, Law Division, Ocean County.

13. This Notice of Removal is filed subject to and without waiver of any rights Cigna Corporation and LINA may have with respect to Plaintiff’s Complaint.

WHEREFORE, pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, Defendants Cigna Corporation and Life Insurance Company of North America respectfully request that Plaintiff’s Complaint be removed from the Superior Court of New Jersey, Law Division, Ocean County, to the United States District Court for the District of New Jersey.

SAUL EWING ARNSTEIN & LEHR LLP
*Attorneys for Defendants Cigna Corporation
and Life Insurance Company of North
America*

By: /s/ Michael Rowan, Esq.
Michael Rowan, Esq.

Dated: September 10, 2018

DECLARATION OF SERVICE

Michael Rowan, Esq., of full age and under penalty of perjury, declares as follows:

1. I am an attorney with Saul Ewing Arnstein & Lehr LLP, attorneys for Defendants Cigna Corporation (improperly pled as “Cigna Group Insurance”) and Life Insurance Company of North America.

2. On September 10, 2018, I caused to served this Notice of Removal on plaintiff Stefan Turos by electronic and regular mail as follows:

Stefan Turos
1A Musket Lane
Whiting, NJ 08759
On_the_road_78@yahoo.com

By: /s/ Michael Rowan, Esq.
Michael Rowan, Esq.

Dated: September 10, 2018